

REMARKS

Applicants respectfully request reconsideration of the present application. Claims 1-21 have been rejected. Claim 11 has been amended. Claims 1-10 and 16-21 have been cancelled. Claims 22-87 have been added. Accordingly, Claims 11-15, and 22-97 are pending in the present application, of which Claims 11, 24, 39, 60, 66, 80, and 94 are independent.

Claim Rejections – 35 U.S.C. § 102(b)

At Page 2 of the Office Action, the Examiner rejected Claims 1 and 6-7 as being anticipated under 35 U.S.C. § 102(b) by U.S. Patent No. 4,647,345 (Polan).

Claims 1 and 6-7 are requested to be cancelled without prejudice to further prosecution on the merits. Applicant wishes to make it clear that he does not agree to or acquiesce in the rejections of Claims 1 and 6-7.

Claim Rejections – 35 U.S.C. § 103(a)

A. Claims 1-8, 10, and 20

At Page 3 of the Office Action, the Examiner rejected Claims 1-8, 10 and 20 under 35 U.S.C. § 103(a) as being unpatentable over Polan, as applied above, in view of U.S. Patent No. 5,783,058 (Fowler et al.).

Claims 1-8, 10, and 20 are requested to be cancelled without prejudice to further prosecution on the merits. Applicant wishes to make it clear that he does not agree to or acquiesce in the rejections of Claims 1-8, 10, and 20.

B. Claims 1-15 and 20-21

At Page 3 of the Office Action, the Examiner rejected Claims 1-15 and 20-21 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,547,936 (Metzger '936) in view of Fowler et al.

A reference must qualify under 35 U.S.C. § 102 to be used in a rejection under 35 U.S.C. § 103(a). See M.P.E.P. § 2141.01 Metzger '936 does not qualify as a reference with respect to the present application under 35 U.S.C. § 102(e) which requires that "the invention was described in... a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent" (emphasis added). The invention described in Metzger '936 (sharing the same named inventor) is not "by another" as required by § 102(e).

Thus, rejection of Claims 1-15 and 20-21 over Metzger '936 is believed to be improper. Withdrawal of the rejection of Claims 11-15 over Metzger '936 in view of Fowler et al is respectfully requested.

C. Claims 16-19

At Page 4 of the Office Action, the Examiner rejected Claims 16-19 under 35 U.S.C. § 103(a) as being unpatentable over Metzger '936 in view of U.S. Patent No. 6,217,729 (Zolotarsky et al.).

Claims 16-19 are requested to be cancelled without prejudice to further prosecution on the merits. Applicant wishes to make it clear that he does not agree to or acquiesce in the rejections of Claims 16-19.

New Claims

Claims 22-87 have been added. Claims 22-87 are supported in the specification as originally filed and do not add new matter.

Claims 22-87 are believed to be in condition for allowance. Claims 22-23 depend from Claim 11 and are believed to be allowable for at least the same reasons.

Independent Claim 24 recites “a system for electroplating a rotogravure cylinder out of a plating solution” comprising, in combination with other elements, “an apparatus configured to plate the cylinder comprising a non-dissolvable anode... and a controller configured to control operation of the apparatus” which is not taught or suggested by the cited references.

Independent Claim 39 recites “An apparatus for electroplating a rotogravure cylinder out of a plating solution” comprising, in combination with other elements, “a first tank adapted to receive the rotogravure cylinder... and a second tank coupled to the first tank such that plating solution may be transferred from the second tank to the first tank.”

Independent Claim 66 recites “an apparatus for electroplating a rotogravure cylinder out of a plating solution” comprising, in combination with other elements “a first section adapted to receive the rotogravure cylinder... and a second section fluidly coupled to the first section and configured to receive a material that refreshes the plating solution.” This arrangement is not shown in the cited references.

Independent Claim 75 recites “an apparatus for electrically deplating a rotogravure cylinder of a plated material” comprising, in combination with other elements “a cathode... comprising a material that is non-dissolvable in the plating solution.” None of the cited references are directed to, suggest, or imply an apparatus with this element. Rather, the cited references are directed to forming a metallic foil that is removed from a drum shortly after plating the foil and/or to plating wires.

Independent Claim 80 recites “an apparatus for electroplating a rotogravure cylinder out of a plating solution” comprising, in combination with other elements, “a plurality of non-dissolvable anodes ... configured to be disposed at one side of the cylinder when the cylinder is installed in the plating tank.”

Independent Claim 94 recites “an apparatus for electroplating a rotogravure cylinder out of a plating solution ... wherein a plane extends along an axis of rotation of the rotogravure cylinder perpendicular to a surface of the plating solution; and wherein... at least two non-dissolvable anodes [are] located at least partially on a same side of the plane” which is not taught or suggested by the cited references. This element of Claim 94 is supported by the specification at at least Figures 8 and 18. Figure 8 (when read in conjunction with Fig. 6 – see paragraph 20) shows four non-dissolvable anodes on one side of the plane and four non-dissolvable anodes on the other side of the plane.

Conclusion

Applicant believes that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 06-1447. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to

Deposit Account No. 06-1447. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 06-1447.

Respectfully submitted,

Date 11-17-03

By 

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